



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of September 19, 2016

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#16-334 *Hassell v. Bird*, S235968. (A143233; 247 Cal.App.4th 1336; San Francisco County Superior Court; CGC13530525.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Does an on-line publisher have a right to notice and an opportunity to be heard before a trial court orders removal of on-line content? (2) Does the statutory immunity provided by 47 U.S.C. 230(c)(1) and (e)(3) bar a trial court from enjoining a website publisher's actions and potentially enforcing the court's order by way of contempt or other sanctions?

#16-335 *Rand Resources, LLC v. City of Carson*, S235735. (B264493; 247 Cal.App.4th 1080; Los Angeles County Superior Court; BC564093.) Petition for review after the Court of Appeal reversed an order granting a special motion to strike in a civil action. The court limited review to the following issues: (1) Did plaintiffs' causes of action alleging the breach of and interference with an exclusive agency agreement to negotiate the designation and development of a National Football League (NFL) stadium and related claims arise out of a public issue or an issue of public interest within the meaning of Code of Civil Procedure section 425.16? (2) Did plaintiffs' causes of action arise out of communications made in connection with an issue under consideration by a legislative body?

#16-336 *Vasilenko v. Grace Family Church*, S235412. (C074801; 248 Cal.App.4th 146; Sacramento County Superior Court; 34201100097580.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does one who owns, possesses, or controls premises abutting a public street have a duty to an invitee to provide safe passage across that public street if that entity directs its invitees to park in its overflow parking lot across the street?

#16-337 *People v. Bristow*, S236270. (F071926; nonpublished opinion; Merced County Superior Court; CRL007104.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-338 *People v. Dorval*, S236644. (D068961; nonpublished opinion; San Diego County Superior Court; SCE333970.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

#16-339 *In re Hernandez*, S236236. (D069664; nonpublished opinion; San Bernardino County Superior Court; FSB1301847.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

#16-340 *People v. Stubbs*, S236637. (B255946; nonpublished opinion; Los Angeles County Superior Court; SA085771.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Bristow*, *Dorval*, *Hernandez*, and *Stubbs* deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#16-341 *People v. Jewkes*, S236685. (C079556; nonpublished opinion; Butte County Superior Court; CM042665.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Buycks*, S231765 (#16-19), which presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense after the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

#16-342 *People v. Sherow*, S236251. (D068668; nonpublished opinion; Riverside County Superior Court; RIF138991.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Gonzales*, S231171 (#16-39), which presents the following issue: Was defendant entitled to resentencing under Penal Code section 1170.18 on his conviction for second degree burglary either on the ground that it met the definition of misdemeanor shoplifting (Pen. Code, § 459.5) or on the ground that section 1170.18 impliedly includes any second degree burglary involving property valued at \$950 or less?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Sanchez* (2016) 63 Cal.4th 665:

#15-103 <i>People v. Cerezo</i>, S225917.	#16-142 <i>People v. Vizcarra</i>, S232905.
#15-116 <i>People v. Ochoa</i>, S226265.	#16-14 <i>People v. Madrigal</i>, S230544.
#15-139 <i>People v. Meraz</i>, S226665.	#16-16 <i>People v. Perez</i>, S230408.
#15-140 <i>People v. Vega-Robles</i>, S226913.	#16-26 <i>People v. Palomares</i>, S230206.
#15-162 <i>People v. Rosas</i>, S227611.	#16-29 <i>People v. Blacknell</i>, S230837.
#15-190 <i>People v. Villareal</i>, S228648.	#16-36 <i>People v. Brewer</i>, S231082.
#15-207 <i>People v. Goethe</i>, S229147.	#16-92 <i>People v. Sanchez</i>, S232093.
#15-221 <i>People v. Eberhart</i>, S229864.	#16-126 <i>People v. Toscano</i>, S231985.
#16-68 <i>People v. Guerrero</i>, S231749.	#16-178 <i>People v. Moor</i>, S233304.
#16-141 <i>People v. Salvador</i>, S232690.	#16-261 <i>People v. Becerra</i>, S235058.

Review in the following cases, which were granted and held for *People v. Sanchez* (2016) 63 Cal.4th 665, was dismissed:

#14-55 <i>People v. Archuleta</i>, S218640.	#16-15 <i>People v. Molina</i>, S230493.
#15-22 <i>People v. Sanchez</i>, S223722.	#16-30 <i>People v. Edwards</i>, S230753.
#16-67 <i>People v. Alvarez</i>, S231570.	#16-91 <i>People v. Gray</i>, S232380.

Review in the following case, which was granted and held for *People v. Prunty* (2015) 62 Cal.4th 59 and *People v. Sanchez* (2016) 63 Cal.4th 665, was dismissed:

#15-154 *People v. Vega*, 226812.

The following case was transferred for reconsideration in light of *Sandquist v. Lebo Automotive, Inc.* (2016) 1 Cal.5th 233:

#15-05 *Network Capital Funding Corp. v. Papke*, S222638.

Review in the following cases, which were granted and held for *Sandquist v. Lebo Automotive, Inc.* (2016) 1 Cal.5th 233, was dismissed:

#15-41 *Rivers v. Cedar-Sinai Medical Care Foundation*, S224592.

#15-89 *Universal Protection Service, LP v. Superior Court*, S225450.

#15-198 *Universal Protection Service, LP v. Superior Court*, S229442.

Review in the following case was dismissed as moot:

#12-111 *People v. Schaeffer*, S205260.

STATUS

#15-236 *People v. Prado*, S229938. In this case, in which briefing was previously deferred pending further order of the court and decision in *People v. Sanchez* (2016) 63 Cal.4th 665, the court ordered briefing deferred pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.